

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

AVI KOSCHITZKI, On Behalf of Himself and )  
all Others Similarly Situated, )

Plaintiff, )

vs. )

APPLE INC. and AT&T MOBILITY LLC, )

Defendants. )

Civil Action No. 1:08-CV-04451-JBW-VVP

**DECLARATION IN OPPOSITION TO  
DEFENDANT AT&T MOBILITY LLC'S  
MOTION TO COMPEL ARBITRATION  
AND DISMISS CLAIMS**

Mark S. Reich, hereby deposes and says, under penalty of perjury, as follows:

1. I am a partner in the law firm of Rigrodsky & Long, P.A., counsel for plaintiff Avi Koschitzki ("Plaintiff") in this putative class action. I am an attorney licensed to practice law in the State of New York and am admitted to practice before this Court.

2. I respectfully submit this Declaration in opposition to defendant AT&T Mobility LLC's ("AT&T") Motion to Compel Arbitration and Dismiss Claims (the "Motion").

3. I also submit this Declaration for the purpose of placing before the Court true and correct copies of documents that are referenced as Exhibits in Plaintiff's Memorandum of Law in Opposition to the Motion.

4. Annexed as Exhibit A is a copy of an AT&T press release, located at the following address: [http://www.att.com/gen/pressroom?pid=4800&cdvn=news&news\\_articleid=25791](http://www.att.com/gen/pressroom?pid=4800&cdvn=news&news_articleid=25791).

5. Annexed as Exhibit B is a copy of the Declaration of Richard Nagareda, dated November 19, 2008, submitted in support of motion to compel arbitration that AT&T filed in *Walters v. Apple Computers, Inc., AT&T, Inc. and AT&T Mobility*, Case No. 4:08CV002484-JLH,

an action in the United States District Court for the Eastern District of Arkansas (the "*Walters* Action").

6. Annexed as Exhibit C is a copy of the Notice of Voluntary Dismissal filed in the *Walters* Action.

7. Annexed as Exhibit D is a copy of the Declaration of Richard Nagareda, dated January 16, 2008, submitted in support of motion to compel arbitration that AT&T filed in *Larson v. AT&T Mobility LLC f/k/a Cingular Wireless LLC*, Civil Case No. 07-CV-5325 (JLL-ES), and action in the United States District Court for the District of New Jersey (the "*Larson* Action").

8. Annexed as Exhibit E is a copy of an application by the plaintiff in the *Larson* Action to strike the Declaration of Richard Nagareda.

9. Annexed as Exhibit F is a copy of a webpage that reflects the American Arbitration Association's rules governing the consideration and resolution of class-wide arbitration, located at <http://www.adr.org/Classarbitrationpolicy>.

I declare under penalty of perjury that the foregoing is true and correct.

Garden City, New York  
January 7, 2009.



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MARK S. REICH